

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

MICHAEL W. SULLIVAN, DAVID A.)
SULLIVAN, THOMAS ROBINETTE,)
JEREMY PENNINGTON, CLARK)
STANTON AND JAMIE BARGER,)

Plaintiffs,)

v.)

Civil Action No. 2:13CV00040

NINE MILE MINING, INC.,)

Defendant.)

**JOINT MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT,
APPROVAL OF CLASS NOTICE, AND SCHEDULING A FAIRNESS HEARING**

Michael Sullivan, David Sullivan, Thomas Robinette, Jeremy Pennington, Clark Stanton, and Jamie Barger (“Plaintiffs”) and Defendant Nine Mile Mining, Inc., by counsel, move this Court for an Order preliminarily approving the settlement agreement among the Parties, approving the Notice to the Class, and scheduling a fairness hearing for mid-March, 2015 for the final consideration and approval of the settlement agreement.

WHEREFORE, for the reasons stated in the Memorandum in Support of this Motion, the Parties move this Court to enter an Order granting preliminary approval of the settlement agreement, approving the Class Notice, and scheduling a fairness hearing for mid-March, 2015.

Respectfully submitted,

MICHAEL W. SULLIVAN, DAVID A.
SULLIVAN, THOMAS ROBINETTE,
JEREMY PENNINGTON, CLARK
STANTON AND JAMIE BARGER

By: /s/Paul G. Beers
Of Counsel

Paul G. Beers (VSB # 26725)
E-mail: pbeers@glennfeldmann.com
Andrea Hopkins (VSB # 85093)
E-mail: ahopkins@glennfeldmann.com
Glenn, Feldmann, Darby & Goodlatte
37 Campbell Avenue, S.W.
P. O. Box 2887
Roanoke, Virginia 24001-2887
Telephone (540) 224-8000
Facsimile (540) 224-8050

Hugh F. O'Donnell (VSB # 20468)
Email: hughfarley@comcast.net
Client Centered Legal Services of Southwest
Virginia
P. O. Box 829
Norton, Virginia 24273
Telephone (276) 395-3926
Facsimile (276) 395-3927

Counsel for the Plaintiffs

By: /s/ Todd Leeson

Todd Leeson, Esq.
E-mail: Leeson@gentrylocke.com
Gentry Locke Rakes & Moore LLP
10 Franklin Road, SE
Roanoke, Virginia 24022
Telephone (540) 983-9437

Terry G. Kilgore, Esq.
E-mail: tkilgore@kilgorelawoffice.com
197 West Jackson Street
Gate City, Virginia 24251

Dustin M. Deane, Esq.
E-mail: dustin.deane@justicecorporation.com
James C. Justice Companies, Inc. & Affiliates
302 South Jefferson Street
Roanoke, Virginia 24011.

Counsel for Nine Mile Mining, Inc.